

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER**

CHARLES ROSE a/k/a Chuck,

14-CR-214S-5

Defendant.

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1. On May 7, 2018, the Defendant Charles Rose pled guilty to Count 3 of the Indictment (Docket No. 1) charging a violation of Title 21 U.S.C. 860 (possession with intent to distribute and distribution of cocaine base within 1,000 feet of a public housing authority property).

2. On May 7, 2018, the Honorable H. Kenneth Schroeder, Jr. United States Magistrate Judge, filed a Report and Recommendation (Docket No. 711) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1) and Local Rule 59(b).

4. This Court has carefully reviewed *de novo* Judge Schroeder's May 7, 2018, Report and Recommendation, the Plea Agreement, the Indictment, the digital FTR recording of the proceeding and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's Report and Recommendation, and will accept Judge Schroeder's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's May 7, 2018, Report and Recommendation (Docket No. 711) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Charles Rose is accepted, and he is now adjudged guilty of Title 21 U.S.C. §860.

FURTHER, sentencing shall remain scheduled for September 5, 2018 at 11:00 am before the undersigned.

SO ORDERED.

Dated: August 3, 2018  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge